

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH DRENTH and THE NATIONAL
FEDERATION OF THE BLIND OF
PENNSYLVANIA,

Plaintiffs,

V.

KATHY BOOCKVAR, in her official capacity
as Secretary of the Commonwealth, and
DEPARTMENT OF STATE OF THE
COMMONWEALTH OF PENNSYLVANIA,

Defendants.

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs, through their counsel, submit this Motion for Partial Summary Judgment. There are no genuine disputes of material fact that: (1) Defendants' paper-based absentee and mail-in ballot program is not accessible to and usable by blind voters; (2) Defendants' Accessible Write-In Ballot is not fully accessible to blind voters; (3) there are available and secure accessible ballot delivery and marking tools, which are used in other states, that are fully accessible to and useable by blind voters, enabling them to receive and mark their ballots privately and independently; and (4) Defendants have failed to implement an accessible ballot delivery and marking tool. These undisputed facts establish that Defendants

violate Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act by failing to provide blind voters with an accessible means by which blind voters can receive and mark absentee or mail-in ballots privately and independently, warranting the entry of partial summary judgment.¹

Respectfully submitted,

Dated: July 22, 2020

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¹ Due to the existence of a genuine dispute of material fact, Plaintiffs do not seek summary judgment on their claim that Defendants violate the ADA and RA with respect to the means by which blind voters return their completed ballots.

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CERTIFICATE OF SERVICE

I, Robin Resnick, hereby certify that Plaintiffs' Motion for Summary Judgment was filed on July 22, 2020 with the Court's ECF system and are available for viewing and downloading from the ECF system by the following counsel who consented to electronic service:

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